IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2087 OF 2006

The State of Maharashtra ... Applicant
v/s.
Bhagwat Paraji Arote & 22 ors. ... Respondents

Office Notes, Office Memoranda of Coram, appearances, Court's Order or Directions and Registrar's Orders	Court's or Judge's Orders

Mrs. S.D. Shinde, A.P.P. for the applicant.

Mr. A.P. Mundargi with B.G. Tangsali for the respondents.

CORAM: **V.G. PALSHIKAR &**
SMT. NISHITA MHATRE, JJ.

DATED: **15TH DECEMBER, 2006**

P.C.:

. This is an application for leave to file appeal against the order of acquittal passed by the II Ad-hoc Additional Sessions Judge, Nashik. In all 23 persons were prosecuted mainly for murder i.e. under Section 302 read with 149 of the Indian Penal code and several other connected offences. The learned Judge, on appreciation of

the evidence on record came to the conclusion that there is no proof as required by the criminal jurisprudence to hold any of them guilty of being members of unlawful assembly. There is no evidence of any overtact on the part of any individual. Recoveries made by the prosecution are not properly proved and taking into consideration the totality of the circumstances existing on record, the learned Judge came to the conclusion that the prosecution has failed to prove the offences with which the accused are charged. The scrutiny of the impugned order shows that the learned Judge was right in appreciating the evidence led and the facts before him. In such circumstances, we see no reason to interfere. Application rejected.

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